IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 280 of 2006

1. Kundi Lal S/o Sri Masodi Lal
   Principal in Government Intermediate College
   Savari Sain,
   District Chamoli
2. Shiv Lal S/o Sri Masodi Lal
   Assistant Teacher Junior High School
   Nail Sankari
   Both R/o Subhash Nagar Gopeshwar
   Police Station Gopeshwar
   District Chamoli ... Applicants

Vs

1. State of Uttaranchal
2. Sri Kuldeep Bartwal
   S/o Sri Manwar Singh Bartwal
   R/o Subhash Nagar Gopeshwar
   Police Station Gopeshwar
   District Chaloli ... Respondents

Sri Pankaj Purohit, learned counsel for the applicants
Sri R.P. Nautiyal, learned counsel for the respondent No. 2
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing the entire proceedings in Criminal Case No. 233 of 2006, State Vs Kundi Lal & another under Section 307 I.P.C. pending before the Chief Judicial Magistrate, Chamoli.

2. Brief facts of the case are that the complaint was filed by the opposite party No. 2 against the petitioners. The applicants No. 1 and 2 are the Principal and Assistant Teacher in the Government College. The police investigated the matter and recorded the statement under Section 161 Cr.P.C. of the opposite party No. 2 (injured) as well as witness Sri Jaspal Singh Kathaith who is the brother-in-law of the injured. The

police after completing the investigation of the case submitted the chargesheet on 04.04.2006 before the court concerned.

3. The trial court after having considered the allegations made in the complaint as well as the material placed before it was pleased to summon the petitioners to face the trial in Criminal Case No. 233 of 2006 vide order dated 10.04.2006.

4. The petitioners have therefore filed this petition under Section 482 Cr.P.C. for quashing the summoning order as well as the entire proceedings of the above stated criminal case.

5. Heard Sri Pankaj Purohit, learned counsel for the petitioners, Sri R.P. Nautiyal, leaned counsel for the respondent No. 2, learned A.G.A. for the State and perused the record.

6. The facts mentioned in the petition are the disputed question of fact, which can be assessed and judged by the trial court. I am not supposed to embark upon an enquiry with regard to the reliability of the evidence at this stage. Any judgment rendered by me would amount to premature judgment where the evidence is still incomplete and hazy.

7. Therefore, the petition lacks merit and is liable to be dismissed.

8. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

9. However, in case, if the petitioners appear before the court concerned for obtaining the bail, their bail application shall be disposed of expeditiously and without undue delay.

(B.C. Kandpal, J.)

19.08.2006
ASWAL